

Libby Community Advisory Group

Meeting Summary

July 10, 2008

Introductions

The members of the Libby Community Advisory Group (CAG) and its facilitator, Gerald Mueller, introduced themselves.

Agenda

The CAG agreed to the following agenda for this meeting:

- Update Regarding the Libby Amphibole Health Risk Initiative
- CARD Letter Regarding the Research Initiative
- Follow-up on Dr. Black's letter to Joan Miles
- DC Orr Draft of Letter to Secretary Johnson
- Agency reports
- June 12, 2008 Meeting Summary
- Public comment

Libby Amphibole Health Risk Initiative Update

Ted Larson, Epidemiologist in the Division of Health Studies of the Agency for Toxic Substance Disease Registry (ATSDR) provided an update on the Libby Amphibole Health Risk Initiative (Initiative) which was presented at the June CAG meeting by ATSDR's Dr. Howard Frumkin and Dr. Dave Williamson. Mr. Larson used the Power Point presentation included below in Appendix 2. He stated that ATSDR would like to have feedback from the Libby community regarding the Initiative proposal by July 24, 2008.

Audience Member Question - McGill University in Canada has extensive experience with asbestos research. Would the solicitation be open to it?

Answer - To participate, a university must be a public university.

Audience Member Question - When developing this initiative, did ATSDR consider building a major research facility in Libby?

Answer - Dr. Frumkin has stated that as a result of this initiative he expects a permanent research field station in Libby.

Audience Member Comment - The university selected for this initiative should have combined facilities with the Center for Asbestos Related Disease (CARD).

Response - I will pass this comment to Dr. Frumkin.

CAG Member Comment - The CARD Board intends CARD to be a leader and facilitator of asbestos-related disease research on behalf of the Libby community. Without CARD playing this role, there is a danger of fragmentation and a loss of purpose.

Comment by LeRoy Thom - Mike Giesey, President of the CARD Board, planned to seek CAG approval of a letter to Dr. Williamson concerning the role of CARD in implementing the

Initiative. However, he was called out of town, so I will present the letter instead. (Mr. Thom read the letter which is included below in Appendix 3.)

CAG Action - Those CAG members present agreed to sign the letter presented by LeRoy Thom. Mr. Thom will contact those CAG members not present at this meeting and ask them to sign the letter. The letter will also be available at other locations.

Audience Member Question - Would CARD be eligible to receive any of the Initiative's \$8 million?
Answer - The Initiative funding must be supplied to a public university. We recognize that CARD will be valuable to the research effort.

Comment by Kimberly Rowse, CARD Clinical Coordinator - CARD's mission is to drive asbestos-related research of Libby. 50% of CARD's budget is funded through research dollars. CARD holds patient data necessary for asbestos-related disease research. We expect some money for collecting and managing this data. We are currently partnering with St. John's Lutheran Hospital in a study comparing x-rays. We also recently received a grant for public education.

CAG Member Comment - People in Libby have the confidence and trust in the CARD Clinic and are willing to provide information to it. They may not be as willing to share their information with an outside university. I am concerned that the \$8 million in the Initiative not create a parallel research institution. CARD should continue to lead the research effort and to collect patient data and share it with the university.

Response - ATSDR recognizes that the research must be community based.

CAG Member Question - You mentioned that the university winning the grant will be expected to set up a field station in Libby. What will be the activities of the field station?

Answer - The field station will be fully staffed and will be the face of the university to the community.

CAG Member Question - Will the field station be responsible for communicating to the Libby community?

Answer - Yes, in collaboration with CARD.

CAG Member Question - Who will staff the field station?

Answer - The university conducting the research will provide the staff.

CAG Member Question - Will the university staff be housed in the CARD Clinic?

Answer - The funding opportunity announcement used to solicit proposals does not address where the staff would be housed. I will pass this idea on.

CAG Member Comment - Clinicians see the patients and obtain their information. They will need a close relationship with the university researchers.

Comment by Paul Peronard - A lot of people are working to make this research initiative successful. EPA has paid for the design and set up of the CARD data base. Clinicians are care

givers, not researchers. The best model to follow with clinicians and researchers working in partnership is probably the Mount Sinai Medical Center in New York. There clinicians and researchers are co-located.

Comment by Jeanie Gentry - St. John's Lutheran Hospital is very supportive of CARD's role in research as a true coalition of the Libby medical community. The Hospital has a broader perspective on health care.

Question by Gerald Mueller - The time line presented by Mr. Larson has the funding opportunity announcement going to ATSDR Extramural Research Program Office by August 11. The CARD letter talks about CARD putting "...together a community advisory board for the creation of the Request for Proposal and for the implementation of the Libby Amphibole Health Risk Initiative." Mr. Larson asked for the community's comments on the content of the funding opportunity announcement by July 24. Can CARD form the community advisory board and develop comments this quickly?

Answer by LeRoy Thom - We do not appear to have a choice.

Audience Member Comment - Maybe we should ask for more time.

Response - The August 11 deadline is fixed. We can fudge somewhat on the July 14 date for the community's comments. ATSDR may want to have a listening session in Libby prior to August 11. I do not yet have approval of this idea.

Joan Miles Letter

On May 5, 2008, Dr. Black wrote to Joan Miles, Director of the Montana Department of Health and Human Services, following up on her April 10, 2008 visit to Libby. Because he had not yet received a reply to his first letter, on June 10, 2008 he sent Direct Miles a second letter. Dr. Black stated that he is disappointed that he has not yet received a reply to either letter. Copies of the two letters, which were previously emailed to CAG members, are attached below in Appendix 4.

DC Orr Draft of Letter to Secretary Johnson

DC Orr stated that he has drafted a letter to EPA Secretary Johnson in response to Assistant Administrator Susan Bodine's letter. Ms. Bodine's had written to the CAG answering its November 2007 letter to Administrator Johnson. Mr. Orr said that Ms. Bodine's letter offered nothing and that being polite has not produced results. He asked that his draft letter be attached with the summary of this meeting and that the CAG discuss it at the August 14 CAG meeting. See Appendix 5.

EPA Report

Paul Peronard reported on behalf of EPA on the following topics.

School Cleanups - In 2000, EPA inspected the buildings and grounds of all Libby schools. Air and soil sampling was conducted. Contamination was found at the high school and middle school running tracks and the elementary school skating rinks. EPA also verified that school

walls were constructed with concrete blocks filled with vermiculite. Because it was sealed in the walls, the vermiculite was not removed; instead it was added to the schools asbestos management plan. In 2001-2002, the school tracks were replaced. This past winter, a snow plow struck and punctured an outside wall at Asa Woods Elementary School. After this incident, EPA re-investigated all of the schools. All concrete block walls were inspected looking for leaks. The re-inspections were finished just last week and the results are not back yet. Vermiculite was not found along the bike/walking path at Asa Woods Elementary. The most recent vermiculite was discovered by the old swing set area. Air inside the schools will be sampled this fall when the buildings are in use to ensure that exposure. Air inside the schools will be sampled this fall when the buildings are in use to ensure that exposure caused by stirring up material is not missed, which might happen if sampling occurs when the buildings are empty.

Cabinet View Country Club - On the existing nine holes, vermiculite was found just below the surface in the tee boxes and greens. The removal plan is finished. Capping the areas with contamination was considered but rejected by the Country Club management. We are working on the restoration plan which will involve replacing soil and grass and fencing. Restoration at a golf course would be more difficult than at a residential yard. Since EPA does not do restoration of golf courses, we are offering to pay the Country Club the cost of restoration and allow it to conduct the restoration. The Country Club will conduct the restoration next year.

CAG Member Comment - If you don't cap the contamination in place you will be hauling the contaminated material through town to the mine for disposal. When you haul material it is not contained.

Response - We do have containment when hauling contaminated materials.

CAG Member Question - Do you have a cost estimate for capping?

Answer - No. Capping does not appear feasible. The issue is how deep the cap would have to be and how it would be maintained because of divots and other activities that may break the capping. Also, we would need the acceptance of capping by the property owner, which we do not have in this case. The County Club board of directors does not want the responsibility of maintaining a cap in perpetuity.

CAG Member Comment - Everything in Libby is capped because EPA is not removing all contaminated material.

CAG Member Comment - Tailings were used at all of the Libby schools. At McGrade Elementary, tailings were mixed with bentonite. The walking path at Asa Woods Elementary was constructed with the same gravel as was used in rebuilding Highway 37.

Response - Activity based sampling will be conducted at Libby schools in 2009.

CAG Member Comment and Question - Children should not be put at risk. How many asbestos fibers must a child inhale before getting asbestos-related disease?

Response - EPA has repeatedly stated that we cannot eliminate all exposure and every asbestos fiber. Risk is a function of exposure. The higher and the longer the exposure, the greater the risk is for asbestos related disease. Epidemiologic studies to date have been conducted on workers and involved higher levels. At some point, you would get more bang for the buck by spending

money on health care and services rather than paying for eliminating lower exposure levels

CAG Member Comment - I am not talking about the whole town. I am talking about eliminating exposures at schools, which is where children spend the majority of their time. There has been a national program to remove all asbestos to schools.

Response - It is not correct that all asbestos is being removed from schools. Friable, accessible asbestos is removed. Schools are required to develop an asbestos management plan which manages non-friable, non-accessible asbestos in place.

Comment by Kirby Maki - If we are going to have an elementary school free of asbestos, we will have to build a new one. The cost of a new school would be about \$14 million. The school board has been considering this issue for three months. We were recently notified by Senator Baucus's staff that he has included \$400,000 in a federal appropriation bill to support academic programs and curricula. If they are appropriated to us, these funds would displace money that could then be available to help pay for a new school. If we are to get a new school, we need to plan and seek funding for it.

Environmental Resource Specialist Responses - In the last few weeks, Mike Cirian, the Environmental Resource Specialist, has responded to four or five requests involving asbestos contamination.

One was a week ago last Friday and involved contamination at Riverside Park. A strip of vermiculite six to eight inches wide and about 50-60 yards long was found at the Park parking lot. The vermiculite was not the same as the material we have been removing from yards in town. The vermiculite appeared to be raw ore containing large chunks of asbestos. Because this material may have been deliberately dumped in the parking lot, the discovery of this contamination has been referred to the police and EPA's criminal investigation bureau. This contamination was removed by vacuuming it up.

Two other ERS referrals involved a trailer courts. Two trailers were moved from their sites and contamination found. One trailer had been embedded in vermiculite containing high amounts of asbestos. Without moving the trailer, EPA would not have found the vermiculite. This discovery has important implications for the Operation and Maintenance Working Group. The second trailer was found to have asbestos contamination in the front and back yards. This trailer was not occupied at the time of screening. The yard had been screened using polarized light microscopy (PLM) and found to have less than 1% asbestos and therefore the yard was not scheduled for cleanup. EPA has determined that PLM is not an acceptable analytical technique for the long-term. We will be rescreening properties and looking at the source of contamination.

The other referral involved dirt spread on the soccer field at J. Neils Park. This dirt came from a lot at Utah and Cedar Streets. The owner of this property believed that use of dirt on the soccer fields because it had been previously screened using PLM and found to have non-detect levels of asbestos but some visible vermiculite. There are 840 properties in Libby with contamination that do not meet current criteria that trigger a cleanup. This incident is an example showing why people should contact EPA before moving dirt around town. The soccer field was scrapped to removed the contaminated material.

CAG Member Question - Will the Operation and Maintenance Working Group recommend that a permit be required before digging? Will EPA compile a list of properties with visible vermiculite?

Answer - The problem is that homeowners received a letter after screening stating that asbestos was not detected on their property using PLM.

CAG Member Comment - It will do no good to have ordinances if there is not adequate inspections and certifications. I am aware that existing cleanup contractors are not following proper cleanup procedures.

Response - You are correct that increased inspection and oversight of cleanup contractors is needed. I will report to the CAG at future meetings about the number of deviations from contracts.

CAG Member Question - What happens if a contractor does unearth contamination but the property owner just says cover it up and keep working?

Answer - We are aware that this is happening now. We are getting calls to the ERS from contractors that have gone through asbestos contamination training. We are not sure how many incidences of this type are occurring.

CAG Member Comment - These incidences may be evidence that the EPA-WR Grace settlement does include enough money for continuing operation and maintenance.

Response - Again, we have to keep in mind that risk is proportional to the quantity and frequency of exposure.

Audience Member Question - I have two questions. One relates to the railroad. Are you monitoring the removal of railroad ties? The second has to do with the mine. Do you have results from measurements of contamination around the mine?

Answer - I will address the railroad cleanup first. In June, we completed scoping the contamination along the main line and five sidings from Fisher River to Troy. Contamination was found for a distance of around one half mile from the site of the screening plant. BNSF is developing a plan and EPA is negotiating an administrative order with it for removing the contamination. Concerning the mine, Bonnie Lavelle, who is the mine operable unit site manager, is planning to attend the August CAG meeting to report on the mine cleanup, including Rainy Creek, Kootenai River, tree bark, and duff sampling results. Water samples from Rainy Creek and Kootenai River have been taken and fish have been placed in them to see if the water is toxic to fish. Air monitoring is starting at the mine.

Audience Member Question - Has the railroad stopped work?

Answer - Not along the main line.

Audience Member Question - Are you saying that someone deliberately dumped vermiculite at the Riverside Park?

Answer - It appears that way. No dirt was mixed with the vermiculite. It was just raw ore.

Audience Member Comment - The allegation that someone from this community deliberately

dumped contamination at Riverside Park is insulting.

CAG Member Comment - It sounds like someone used a trenching tool and unearthed the vermiculite. I have seen what looks like raw ore unearthed by trenching at the export plant site.

Response - There has been no trenching activity at this site. After the June 15, 2007 CAG, meeting, we led a trip to the Riverside Park and did not see the type of contamination we just found.

CAG Member Comment - The O&M Working Group is focusing on the export plant operable unit, OUI. What it does for this unit will be precedent setting. I ask that the minutes of the O&M Working Group meeting be attached with the summary of this meeting.

Audience Member Question - What do you mean when you talk about “cashing out” at the Country Club?

Answer - On five occasions here in Libby instead of conducting a restoration, EPA has paid the property owner to do so. The home demolitions are examples of this. We negotiated with the owner a payment in lieu of EPA rebuilding the house. The money we pay has to be used for restoration. We do not make payments in lieu of abatement actions. EPA conducts abatements.

Audience Member Question - Did you remove the vermiculite that was found under the trailer house?

Answer - Yes. Unless the trailer was moved, we would not have found this contamination. We do look under decks and in crawl spaces.

State Report

Catherine LeCours reported on behalf of DEQ that the state received one comment letter regarding the proposed state-WR Grace settlement. This letter was from the CAG. The state will respond to the CAG's comments and the response will be sent to Mr. Mueller so that he can send them out to his CAG lists.

June 12, 2008 CAG Meeting Summary

Mr. Mueller noted that he forgot to take up this item first on the agenda. He noted that Laura Wilson of MASSA had requested in an email a change in the June 12, 2008 meeting summary. On page 5, the third paragraph included the statement:

The five year program for the Montana Asbestos Screening and Surveillance Activity (MASSA) which has been funded by MASSA is due to end this September, but the State of Montana has asked that it be extended by three months, and this extension may be granted.

Ms. Wilson noted that ATSDR rather than MASSA funded the screening activity.

Audience Member Comment - I have a comment on the meeting summary, but given the lateness of the hour, I will wait until the next meeting to discuss it.

Public Comment

Audience Member Question - Paul Peronard was quoted in the local paper that ASW's cleanup work has been 100% unsatisfactory. ASW has hired local people to conduct its cleanup work. Is the quote accurate?

Answer by Paul Peronard - I have had more complaints about the cleanup work conducted by

ASW this season than about all of cleanup work last year. I live and die based on the response of homeowners to the cleanups. ASW's work has not been on schedule.

Audience Member Question - Is this experience similar to that of other contractors during their first year?

Answer by Paul Peronard - No. ASW is an experienced contractor and has not made a good showing.

CAG Member Comments - It is unfortunate that you are dressing down a contractor in public. We need more than one contractor conducting the cleanup work.

Answer by Paul Peronard - This subject came up in a meeting with the County Commissioners. I have to answer the public's questions about contractor work. We need contractors to get the job done right, on budget and on schedule.

CAG Member Question - How many of EPA and/or CDM employees are assigned with overseeing cleanups?

Answer by Courtney Zamora of Volpe - We have 13 people overseeing 19 property cleanups. The 19 includes 3 health and safety inspectors, 4 staff conducting sampling and 6 staff assigned with oversight.

Comment by Paul Peronard - I will report monthly on how many deviations from cleanup contracts have occurred each month.

Next Meeting

The next regular CAG meeting is scheduled for 7:00 to 9:00 p.m. on August 14, 2008 in the Ponderosa Room of Libby City Hall. The agenda will include: a presentation about the mine, DC Orr's draft letter to EPA Administrator Johnson, and a report on the Libby Asbestos Medical Plan (LAMP).

Appendix 1
CAG Member & Guest Attendance List
July 10, 2008

Members	Group/Organization Represented
David F. Latham	<i>The Montanian</i>
K.W. Maki	Libby Schools
DC Orr	Libby Community
Jeanie Gentry	St. John's Lutheran Hospital
Philip Erquiaga	TAG
Rita Windom	Lincoln County Commission
Ted Linnert	Environmental Protection Agency (EPA)
Paul Peronard	EPA
Catherine LeCours	Montana Department of Environmental Quality
Paul Peronard	EPA
LeRoy Thom	Former Grace Employee
Dr. Brad Black	Lincoln County Health Officer
Gary D. Swenson	Libby Volunteer Fire Department
Eileen Carney	Board of Respiratory Care
Visitors	
Ted Larson	Epidemiologist, Division of Health Studies, ATSDR

Appendix 2

Update to the CAG: Libby Amphibole Health Risk Initiative

Ted Larson, Epidemiologist
Division of Health Studies/ATSDR

Objectives

- Background
- Funding Opportunity Announcement
- Timeline

Background

Memorandum of Understanding between
EPA and ATSDR

- Funds available for research: \$8 Million
- Work Plan Activities:
 - Libby epidemiology studies
 - Marysville, OH epidemiology studies
 - Dosimetric modeling
 - Film/digital x-ray study
 - Tremolite Asbestos Registry (TAR) update

Priority Areas of Research: Libby Epidemiology Studies

- Health effects
 - associated with low-level exposures
 - associated with childhood exposures
 - not classically associated with asbestos exposure (i.e. autoimmune disease)
- Progression of health effects over time

Funding Opportunity Announcement (FOA): Solicitation for Proposals

- Targeted at public universities
- Grant
- One institution
 - Encourage collaboration with other institutions if applicant does not have the broad range of scientific expertise required to address all research topics

Grantee Activities

- Set up a field station in Libby
 - Staffed full-time
- Collaborate with organizations and agencies already working on public health issues in Libby
- Provide regular updates to the community on the status and results of research
- Publish the results of the research as quickly as possible

Characteristics of Proposal

- Advances the body of scientific knowledge about exposure to and health outcomes associated with Libby amphibole
- Has appropriate study designs that will allow the applicant to answer proposed research questions

Staffing/Institutional Experience of Applicant

- Epidemiologic studies of populations exposed to toxic substances
- Community-based research
- Clinical research in the fields of
 - pulmonology
 - radiology
 - occupational/environmental health

Estimated Timeline

August 11	ATSDR's Extramural Research Program Office
September 15	Procurement and Grants Office (PGO)
End-October	Estimated publication in Federal Register
Mid-December	Application due to PGO
Mid-January	External peer-review
March	Estimated award date

Next Step/ Contact Information

- Ted Larson
TLarson@cdc.gov
770-488-3695
- Vinicius Antao
VAntao@cdc.gov
770-488-0555
- Maggie Warren
mcs9@cdc.gov
770-488-3689
- Dan Straussbaugh
Straussbaugh.dan@epa.gov
406-457-5007

Please send your written comments via e-mail by July 24, 2008

Appendix 3
Community Advisory Group
Libby, Montana

David Williamson
Division of Health Studies
ATSDR
4770 Buford Hwy N.E.
Mailstop F-57
Atlanta, GA 30341

Dear Dr. David Williamson,

We, the Libby Community Advisory Group, request that ATSDR, in their efforts to begin the process of implementing the **Libby Amphibole Health Risk Initiative**, have all asbestos health research activities conducted in the Libby community involve CARD as one of the primary participants.

We further request that the community, by means of facilitation from the CARD Board of Directors, will put together a community advisory coalition for the creation of the Request For Proposal and for the implementation of the **Libby Amphibole Health Risk Initiative**.

CARD (Center for Asbestos Related Disease) is a community-based non-profit clinic governed by a local volunteer Board of Directors. The mission of CARD has always been to facilitate research, in addition to providing healthcare and outreach to those affected by Libby Amphibole Asbestos. CARD, and its board consisting of community members, has a firm understanding that asbestos health research promotes new insights into the mechanism of disease which will translate to better healthcare for patients.

Through their years of involvement, the community members that sit on the board of directors have developed an understanding of how to successfully facilitate research in the Libby community while looking out for the best interest of patients and the community as a whole.

The CARD Board of Directors seeks to facilitate the community advisory coalition with the involvement of other key stakeholders (medical community, schools, etc.) in development of the Request For Proposal including the implementation of the **Libby Amphibole Health Risk Initiative**.

Sincerely,

Libby Community Advisory Group

Sincerely,
CAG members representing the Libby Area,

Dr. Brad Black
Lincoln County Health Officer

Eileen Carney
Montana State Board of Respiratory Care

Mike Gieseey
Center for Asbestos Related Disease

Kenny Hays
Libby Senior Citizens

David Latham, Editor
The Montanian

K.W. Maki
Libby Public Schools

Bill Patten
St. Johns Lutheran Hospital

DC Orr
City of Libby resident

Gary D. Swenson
Libby Volunteer Fire Department

Leroy Thom
Former Grace Employee

Rita Windom
Lincoln County Commissioner

Phillip Erquiaga
FineArt-World, Co-Owner
eGlobal Multiple Listing Service, Owner

c.c. Dr. Howard Frumkin

Appendix 4



214 East 3rd Street Libby, Montana 59923 (406)293-9274 fax:(406)293-9280

May 6, 2008

Joan Miles, Director, MT DPHHS
PO Box 4210
Helena, MT 59604-4210

Dear Joan,

I wanted to send you a brief note to thank you for coming to Libby to visit with the folks here. It was good that you had the opportunity to speak with multiple groups within the community and we were certainly appreciative of your visit to the Center for Asbestos Related Disease. It is hopeful during your visit to the community that you were able to gather some understanding of the depth of the asbestos related health problems that are occurring here. Unless you've actually been here and been around people that have been ill, you could not have an understanding of extent and severity of the problems that have been experienced.

The health observations that we have seen through the clinic here can not be gleaned out of any statistics obtained through screening. The health care problems that have occurred and their severity can not be over emphasized. The sheer numbers of mesotheliomas that have occurred in this population that have been well documented, through death certificates and tissue analysis, along with the extensive number of deaths that have resulted from advanced asbestos related disease, are staggering for such a small community.

The tragic part of all this is, once again, is that those suffering from severe complications of their Libby asbestos exposure are discovering that asbestos related health care is continuing to go unfunded for this very expensive and miserable disease. I'm hopeful that you have gained some understanding from your time in Libby and I would really like to know how you think you might be able to help our community in dealing with the long-term health care issues. These costs will continue to impact our patients, our local health care system, as well as the finances of the state of Montana, as health care services continue to go uncovered by the W. R. Grace medical program.

I would certainly appreciate hearing from you as to this matter and would be available for any further questions or any discussions that you would like to entertain.

Sincerely,

Brad Black, MD
Lincoln County Health Office
Director, Center for Asbestos Related Disease
cc: Steve Helgerson, MD
Public Health Officer, State of Montana
bb/cr



214 East 3rd Street Libby, Montana 59923 (406)293-9274 fax:(406)293-9280

June 10, 2008

Joan Miles, Director, MT DPHHS
PO Box 4210
Helena, MT 59604-4210

Dear Joan,

I am resending this letter of May 6th, 2008 to ensure that you received it, as I have not yet received any response. I am anxious to hear of any plans the state of Montana may have to assist the Libby community in securing long term health care for the people that were exposed to Libby Amphibole asbestos.

I wanted to send you a brief note to thank you for coming to Libby to visit with the folks here. It was good that you had the opportunity to speak with multiple groups within the community and we were certainly appreciative of your visit to the Center for Asbestos Related Disease. It is hopeful during your visit to the community that you were able to gather some understanding of the depth of the asbestos related health problems that are occurring here. Unless you've actually been here and been around people that have been ill, you could not have an understanding of extent and severity of the problems that have been experienced.

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The tragic part of all this is, once again, that those suffering from severe complications of their Libby asbestos exposure are discovering that asbestos related health care is continuing to go unfunded for this very expensive and miserable disease. I'm hopeful that you have gained some understanding from your time in Libby and I would really like to know how you think you might be able to help our community in dealing with the long-term health care issues.

These costs will continue to impact our patients, our local health care system, as well as the finances of the state of Montana, as health care services continue to go uncovered by the W. R. Grace medical program.

I would certainly appreciate hearing from you as to this matter and would be available for any further questions or any discussions that you would like to entertain.

Sincerely,

Brad Black, MD
Lincoln County Health Officer
Director, Center for Asbestos Related Disease
cc: Brian Schweitzer, Governor, State of Montana
Jon Tester, US Senator, Montana
Max Baucus, US Senator, Montana
Denny Rehberg, Congressman

5-11-08

The Honorable Administrator Johnson;

Thank you for responding through Assistant Administrator Bodine addressing our concerns detailed in November 19, 2007 correspondence between your office and the Libby Community Advisory Group (GAG). Your Assistant Administrators response is enclosed. You can see that this response is typical bureaucratic fare, never once addressing the pertinent issues while stressing that you are “committed” and “deeply concerned” about the challenges that we face in the nation’s highest priority Superfund site caused by regulatory failure. It was a four paragraph slap in the face for the people of Libby.

We believe this issue is important enough to warrant your personal attention so we will ask again. Please give this site the attention it deserves. EPA dropped the ball in this regard thirty years ago when the first reports of health problems were coming out of Libby. Your OIG investigation claimed Libby fell through the cracks because of fragmented authority and jurisdiction, funding constraints, and competing priorities. Those of us who lived here and watched it happen know it was simply politics that created this mess. Grace was a mover and shaker in Washington, they could build or destroy agency careers. You are dropping the ball today and the cause is fairly evident. There are not enough voters in Libby to garner attention in our nation’s capitol where Grace still holds considerable influence.

In our letter of Nov. 19, 2007 we specifically asked for your help in finding alternatives to the remedies a declaration of a Public Health Emergency would bring. We politely accepted your position that a declaration likely would not solve our problem. We attempted to let you off the hook on this hard question, but you wouldn’t even offer us an alternative.

Had we asked the tough questions in the seventies and eighties, and held firm in our request for answers, we would not be living in THE Superfund site with the highest documented rates of environmental death and disease found anywhere in America. Your Assistant Administrator has clearly demonstrated the regulatory failures that arise out of bureaucracy that is disconnected from the people it serves. We need more than lip service out of the EPA, the culture of deception prevalent in this organization is causing problems in Libby.

Two recent incidents set the stage for your non-reply to strike a nerve in our community. Paul Peronard was asked why EPA ordered WR Grace to destroy 24,000 square feet of City-owned buildings, the cornerstone of our economic development efforts, and not require replacement. Some still think it has to do with the 12,000 square feet of buildings Grace and EPA paid for on our mayor’s private property. Mr. Peronard replied that the city did not request replacements. We submitted a letter the City attorney had sent to Paul asking for replacements in May of 2001 and exposed just one more in a long line of lies coming out of the Export Plant debacle.

Ted Linnert was recently quoted telling our community that the \$250 million settlement would collect up to 20% interest in EPA accounts and would be more money than we could

Review Draft

ever spend on cleanup in Libby. He was attempting to skew the public comments in the bankruptcy court. When he denied making the statement, we played the tape of the meeting. Still, the damage had been done.

We asked your agency for help and you sent wolves into our midst. Your representatives performing on the ground in Libby have obviously found it easy to lie to the people of Libby. Mr. Linnert actually gives CIC instruction touting his success in Libby. Bribes, secret no-bid contracts, make sure the medical community gets some table scraps and we have a well oiled money machine. Public involvement that is restricted to those willing to crouch down and lick the hand that feeds them guarantees that local government will speed to the trough while ignoring the valid concerns of those whose health is affected.

That is where Red Busby came in. Red came to a GAG meeting to ask why there was no mechanism to care for those who slipped through the cracks in this system. He reminded us all that there is a human element in this debate. Anyone who can put themselves in his shoes for a single minute and not be moved to action has a disconnect in their humanity. His story is being played out by hundreds of our neighbors. Their cause has been harmed by those who would exploit this situation for personal gain, but their struggles are real and distressing.

The lack of a declaration of a Public Health Emergency has left you with the same “fragmented authority” that has been blamed for past dysfunction and it has left people like Mr. Busby struggling to keep their heads above water.

EPA was working toward a declaration of a Public Health Emergency 6 years ago. In December of 2001 Paul Peronard told the GAG he was drafting an action memo to that end. Your agency spent a lot of time convincing us that this action was necessary to move forward in the cleanup of our town. To now claim that it would not help us is a 180 degree turn around that harms EPA credibility. Recent disclosures that EPA cannot recover costs from Grace for work in attics exposes just one way that this dereliction of your duties is holding up work in Libby. The staffing of our risk assessment is another. We are operating under emergency procedures, without remedial protections, because of this omission, increasing exposures on the people living here. You can ignore these problems, but you do so at the risk of the health of this sensitized community.

EPA shares culpability with WR Grace in the health care challenges this town faces. The law is clear that a declaration of a Public Health Emergency is the proper mechanism to start righting the historical wrongs perpetrated in Libby. There is no reason to search for alternatives. Please let us know how we can help you get this accomplished.